



28 September 2006

Ms Judith Brimer
Secretariat
Therapeutic Goods Advertising Code Council (TGACC)
PO Box 764
North Sydney NSW 2059

jbrimer@tgacc.com.au

Dear Judith,

Re: Roche advertising campaign for Xenical

We would like to lodge a formal complaint about the Xenical advertising campaign launched by Roche on Sunday 24 September 2006. The required complaint form is attached to this letter.

First, the advertising campaign targets children even though use of the drug in children is not recommended. The advertisement was shown during the television show Australian Idol which has a predominantly younger audience. Ratings data show that 10.58% of all children between the ages of 13 and 17 in Australia watch Australian Idol. This audience constitutes the second largest age group for the show.

The advertisement showed a drawing of an outline of a torso which expanded and contracted. This drawing, which in some ways can be compared to a cartoon, clearly appeals to a younger audience.

The Consumer Medicine Information for Xenical (Orlistat) states "do not give Xenical to children or adolescents under 18 years of age". This warning is issued because the information in MIMS (a medical directory) states that "the safety and efficacy of Xenical in children has not been established". The advertisement is therefore in breach of section 49(2)(j) of the Therapeutic Goods Advertising Code 2006 (the Code), which stipulates that an advertisement must not be directed to minors.

Young girls are particularly vulnerable. We have already heard anecdotal evidence from several pharmacists who have had girls as young as 13 with an acceptable BMI (Body Mass Index) ask them for this product.

Second, while the drug is appropriate for only a minority of the audience, it targets anyone who may think they have a weight problem. The only people eligible for the drug are those with a BMI over 30 or above 27 if there are other risk factors. However the advertisements are targeted at a much wider audience. For example, the advertisement does not say that it is only for people with a higher BMI. The advertisement is also in breach of the section 4(2)(f) which states that an advertisement must not encourage or be likely to encourage inappropriate or excessive use.

Third, the advertisement fosters the idea that a pill is the cure for obesity. This is sending an inappropriate message to people residing in Australia. Lifestyle changes incorporating a healthy eating plan and exercise regime are a far safer method of weight reduction. The evidence suggests

57 Carrington Road Marrickville NSW 2204

Phone 02 9577 3333 Fax 02 9577 3377 Email ausconsumer@choice.com.au www.choice.com.au

The Australian Consumers' Association is a not-for-profit company limited by guarantee. ABN 35 799 246 568 ACN 000 281 925



that diet and exercise are also essential to an effective outcome using Xenical- a point not sufficiently emphasised in the advertisement.

Fourth, the success of this campaign may encourage other manufacturers to apply to have their products rescheduled. Other products which are currently prescription drugs (S4) or pharmacists drugs (S3) without marketing approval, may be changed to S3 and the sponsors may subsequently undertake marketing campaigns similar to this one. Consumers may be soon bombarded with advertisements for a wider group of drugs not currently advertised. There is a fine line between consumer information and marketing. This advertising sets a precedent which should not be repeated. The TGACC should intervene in this matter in order to prevent other sponsors from initiating similar advertising campaigns in the future.

Please do not hesitate to contact me if you have any questions about this matter on 02 9577 3374 or 0411 788 076.

Kind Regards,

Viola Korczak
Health Policy Officer